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APPLICATION NO.	F	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO. CONFIRMATION NO.	
10/810,525	(03/26/2004	Kiyotaka Mori	MATB-406US 1201	
23122	7590	12/14/2004		EXAMINER	
RATNERP			NGUYEN, CUONG QUANG		
	P O BOX 980 VALLEY FORGE, PA 19482-0980			ART UNIT	PAPER NUMBER
	,			2811	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be variable under the provisions of 3 of CR 1.136(a). In no event, however, may a reply be timely filled after SIX (6) MONTHS from the mailing date of this communication. If the period for reply sepecified above is less than thity (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply sepecified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply visin the set or extended period for reply within the set of this communication. Fallure to reply within the set of extended period for reply with the set of t		Application No.	Applicant(s) MORI, KIYOTAKA						
Cuong Q Nguyen 2811 The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Edervices of time may be available under the previous of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after 50 (c) MONTH'S from the mailing date of this communication. If the period for reply is specified above, the maximum statutory period vill apply and will expire \$1X (6) MONTH'S from the mailing date of this communication. Fallies for poly within the soft or evalued period in thity (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period vill apply and will expire \$1X (6) MONTH'S from the mailing date of this communication. Fallies for poly within the soft or evalued period for reply will, by static, cause the applicant to become #ASHOCKNED (5). \$133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any semice paint three adjustment. See 97 CFR 1.74(tp). Status 1)		10/810,525							
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1) Responsive to communication(s) filed on 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s)	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period with Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	6(a). In no event, however, may a reply be tim within the statutory minimum of thirty (30) days Il apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	nely filed s will be considered timely. the mailing date of this communical O (35 U.S.C. § 133).	tion.					
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a) All b) Some * c) None of:	Priority under 35 U.S.C. § 119								
1. Certified copies of the priority documents have been received.	•	priority under 35 U.S.C. § 119(a)	n-(d) or (f).						
2. Certified copies of the priority documents have been received in Application No									
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).	•		eu in this ivational Stage						
* See the attached detailed Office action for a list of the certified copies not received.									
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Attachment(s)`	Attachment(s)								
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)	1) Notice of References Cited (PTO-892)								
	3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) 🔲 Notice of Informal P							

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-12, drawn to a semiconductor device, classified in class 257, subclass
 40.
- II. Claims 13-20, drawn to a method of making a semiconductor device, classified in class 438, subclass 100+.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case unpatentability of the group I invention would not necessarily imply unpatentability of the group II invention, since the device of the group I invention could be made by processes materially different from those of group II invention, for example in claim 13, selectively applying to the substrate an insulator layer at desired area (separated islands of insulator) so that do not need removing parts insulator at later step.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Art Unit: 2811

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cuong Q Nguyen whose telephone number is (703) 308-1293. The examiner can normally be reached on Mon-Thur.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lee can be reached on (571) 272-1732. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1661.

Cuong Nguyen Primary examiner December 8, 2004